

04-16-04

HDP/SB/21 based on PTO/SB/21 (08-00)

Please type a plus sign (+) inside this box → ☐**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	<b>Application Number</b>	10/780,256	
	<b>Filing Date</b>	February 17, 2004	
	<b>First Named Inventor</b>	Michael L. O'Banion et al.	
	<b>Group Art Unit</b>		
	<b>Examiner Name</b>		
<b>Total Number of Pages in This Submission</b>		<b>Attorney Docket Number</b>	0275Y-000625/COC

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  <b>acknowledgement postcard; Form HDP-1449; 16 Foreign Patent Documents and 6 Other Documents</b>
<b>Remarks</b>		<b>The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.</b>

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

<b>Firm or Individual name</b>	Harness, Dickey & Pierce, P.L.C.	<b>Attorney Name</b>	Jeffrey H. Urian	<b>Reg. No.</b>	46,232
<b>Signature</b>					
<b>Date</b>	April 15, 2004				

**CERTIFICATE OF MAILING/TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail in an envelope addressed to: Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date indicated below.

<b>Typed or printed name</b>	Jeffrey H. Urian	<b>Express Mail Label No.</b>	EV 406 076 745 US (4/15/2004)
<b>Signature</b>		<b>Date</b>	April 15, 2004

EV 406 076 745 US



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/780,256

Filing Date: February 17, 2004

Applicant: Michael L. O'Banion et al.

Group Art Unit:

Examiner:

Title: METHOD AND APPARATUS FOR FASTENING STEEL  
FRAMING WITH STAGGERED TEETH NAILS

Attorney Docket: 0275Y-000625/COC

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Director of the United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS, AND OTHER INFORMATION

The patents, publications and other information requested to be considered by the Office (except unpublished U.S. patent applications) are listed on Form 1449 attached hereto.

II. COPIES

A. ☐ Submitted herewith is a legible copy of (i) each U.S. patent application publication and U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; (iii) for each cited pending U.S. application, the application specification including the claims, and any drawing of the application which caused it to be listed including the claims directed to that portion; and (iv) all other information or that portion which caused it to be listed.

B. ☐ Any patents, publications or other information which are listed on Form 1449 or on the copies of PTO-892, but which are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Serial Number

U.S. Filing Date

C. ☒ Because the present application was/is being filed after June 30, 2003, no copies of the U.S. patents or U.S. patent application publications which are listed on the attached Form 1449 are enclosed pursuant to the waiver of 37 C.F.R. § 1.98(a)(2)(i). Any foreign patent documents or non-patent literature listed on the attached Form 1449 are enclosed herewith.

D. ☐ This is a PCT application in the entry of the National Phase in the United States. A copy of the International Search Report is attached for the Examiner's information. The documents listed on the International Search Report are listed on the attached Form-1449 for consideration by the Examiner and for listing on any patent resulting from this application. Since the International Search Report was from the US, EPO, or JPO search authorities, copies of these references should have been supplied to the USPTO under the trilateral agreement and are believed to be in the file of the above-identified application. (MPEP 1893.03(g))

III. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

A. ☒ Except as may be indicated below in (B), all of the patents, publications or other information are in the English language (concise explanation not required).

B. ☒ A concise explanation of the relevance of each patent, publication or other information listed that is not in the English language is as follows (see 37 C.F.R. § 1.98(a)(3)):

1. ☐ See the attached foreign patent office communication from a counterpart foreign application:

2. ☐ English translations are provided:

3. ☒ Other:

DE 155 135 appears to disclose a nail.

DE 31 47 430 appears to disclose a coiled fastener.

DE 369 395 appears to disclose a fastener using an explosive therein.

DE 308 681 appears to disclose a mechanical fastener.

FR 2 595 609 appears to disclose a fastener that can be attached to a wooden object.

DE 199 34 998 appears to disclose a coiled fastener.

DE 25 57 845 appears to disclose a nail fastener.

FR 2 651 283 appears to disclose an expandable fastener.

C. ☐ The following additional information is provided for the Examiner's consideration.

IV. CROSS REFERENCE TO RELATED APPLICATION(S)

A. ☒ The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this(these) application(s) to the Examiner's attention, Applicant(s) does(do) not waive the confidentiality provisions of 35 U.S.C. § 122.

<u>Serial No.</u>	<u>Filing Date</u>	<u>Art Unit</u>
10/177,003	06/21/02	3677
10/176,998	06/21/02	3679
10/177,360	06/21/02	3635
10/176,838	06/21/02	3635
10/765,764	01/26/04	
10/780,072	02/17/04	
10/780,082	02/17/04	

V. THIS IDS IS BEING FILED UNDER

A. ☒ **37 C.F.R. § 1.97(b):** (check only one box)

1. ☐ within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. § 1.97(b)(1)). No fee or certification is required.

2. ☐ within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or certification is required.

3. ☒ before the mailing of a first Office Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below; or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

4. ☐ before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No fee or certification is required.

B. ☐ **37 C.F.R. § 1.97(c):** (check only one box)

before the mailing date of either any Final Office Action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution.

1. ☐ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

2. ☐ See the certification below. No fee is required.

C. ☐ **37 C.F.R. § 1.97(d):**

after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee.

1. ☐ See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e): (check only one box)

The undersigned hereby certifies that:

A. ☐ each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(1)). See further statement under 37 C.F.R. § 1.704(d) below in section VII, if applicable; or

B. ☐ no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).

C. ☐ Some of the items of information were first cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

VII. STATEMENT UNDER 37 CFR 1.704(d)

The undersigned hereby states that:

☐ each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart application and this

communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this IDS.

VIII. PAYMENT OF FEES (check only one box)

A. ☐ A check in the amount of \$180.00 is enclosed for the above-identified fee.

B. ☐ Please charge Deposit Account No. 02-2548 in the amount of \$180.00 for the above-indicated fee. A duplicate copy of this paper is attached.


The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 02-2548.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 02-2548.

Respectfully submitted,

Dated: 4/15/04

By:   
Jeffrey H. Urian, Reg. No. 46,232

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

JHU/ps



FORM HDP-1449 (Based on Form PTO-1449)

**PATENT AND TRADEMARK OFFICE  
INFORMATION DISCLOSURE CITATION**

(Use several sheets if necessary)

Sheet 1 of 5

ATTORNEY DOCKET NO.

SERIAL NO.

0275Y-000625/COC

10/780,256

APPLICANT

Michael L. O'Banion et al.

FILING DATE

GROUP

February 17, 2004

**U.S. PATENT DOCUMENTS**

Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
1.		2003/0116609	06/2003	Dracup et al.		
2.		2002/071741 A1	06/2002	Oswald, Robert C.		
3.		2002/0027156	03/2002	Coletta et al.		
4.		2,944,262	07/1960	Richman et al.		
5.		0010805	01/2003	Nelson et al.		
6.		0012620	01/2003	O'Banion et al.		
7.		0014516	02/2002	Nelson et al.		
8.		0125297	09/2002	Stol et al.		
9.		1,444,618	02/1923	Levingston, Vernon L.		
10.		1,912,222 A	05/1933	Heyman, Rosenberg		
11.		2,006,813	07/1935	Norwood		
12.		2,178,187	10/1939	Sake		
13.		2,410,047	10/1946	Burrows et al.		
14.		2,429,239	10/1947	Rogers		
15.		2,944,262	07/1960	Richman et al.		
16.		2,994,243 A	08/1980	Langstroth, Hall		
17.		3,322,017	05/1967	Dufficy		
18.		3,332,311	07/1967	Schulz, William E.		
19.		3,722,280 A	03/1973	Van Greuingen, T.		
20.		3,882,755	05/1975	Enstrom, Robert Victor		
21.		3,925,875	12/1975	Doke		

Examiner:

Date Considered:

EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>FORM HDP-1449 (Based on Form PTO-1449)</b>  <b>PATENT AND TRADEMARK OFFICE</b> <b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)  Sheet 2 of 5	ATTORNEY DOCKET NO.	SERIAL NO.
	0275Y-000625/COC	10/780,256
	APPLICANT	
	Michael L. O'Banion et al.	
	FILING DATE	GROUP
	February 17, 2004	

U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
22.		4,025,029	05/1977	Kotas et al.		
23.		4,183,239 A	01/1980	Stubbings, James H.		
24.		4,218,953	08/1980	Haytayan, Harry M.		
25.		4,247,219	01/1981	Ausprung, Erich		
26.		4,402,641	09/1983	Arff, Heino		
27.		4,511,296	04/1985	Stol		
28.		4,601,625	07/1986	Ernst et al.		
29.		4,708,552 A	11/1987	Bustos, Rafael T. et al.		
30.		4,787,795	11/1988	Kraus, Willibald		
31.		4,810,150	03/1989	Matsukane et al.		
32.		4,840,523	06/1989	Oshida		
33.		4,902,182	02/1990	Lewis, Jeffrey C.		
34.		5,030,051	07/1991	Kaneko et al.		
35.		5,207,750	05/1993	Rapata		
36.		5,240,361	08/1993	Armstrong et al.		
37.		5,253,965	10/1993	Angel, Jeffrey R.		
38.		5,259,689	11/1993	Arand et al.		
39.		5,323,632	06/1994	Shirasaka et al.		
40.		5,333,483	08/1994	Smith		
41.		5,375,957 A	12/1994	Golledge, Brad F.		

Examiner:	Date Considered:
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EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



FORM HDP-1449 (Based on Form PTO-1449)

**PATENT AND TRADEMARK OFFICE  
INFORMATION DISCLOSURE CITATION**

(Use several sheets if necessary)

Sheet 3 of 5

ATTORNEY DOCKET NO.

0275Y-000625/COC

SERIAL NO.

10/780,256

APPLICANT

Michael L. O'Banion et al.

FILING DATE

February 17, 2004

GROUP

**U.S. PATENT DOCUMENTS**

Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
42.		5,376,097	12/1994	Phillips		
43.		5,460,317	10/1995	Thomas et al.		
44.		5,567,101	10/1996	Martin		
45.		5,658,110	08/1997	Kraus, Willibald		
46.		5,718,142	02/1998	Ferraro		
47.		5,775,860	07/1998	Meyer		
48.		5,794,835	08/1998	Colligan et al.		
49.		5,829,664	11/1998	Spinella et al.		
50.		5,829,817	11/1998	Ge		
51.		5,855,099	01/1999	Hoffman		
52.		5,975,406	11/1999	Mahoney et al.		
53.		6,023,898	02/2000	Josey		
54.		6,045,028	04/2000	Martin et al.		
55.		6,067,839	05/2000	Xie, Max		
56.		6,095,395	08/2000	Fix, Jr., John William		
57.		6,102,636	08/2000	Geise		
58.		6,168,066	01/2001	Arbegast		
59.		6,206,268	03/2001	Mahoney		
60.		6,273,656	08/2001	Cleland et al.		
61.		6,276,644	08/2001	Jennings et al.		

Examiner:

Date Considered:

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<b>FORM HDP-1449 (Based on Form PTO-1449)</b>  <b>PATENT AND TRADEMARK OFFICE</b> <b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)  Sheet 4 of 5	ATTORNEY DOCKET NO.	SERIAL NO.
	0275Y-000625/COC	10/780,256
	APPLICANT	
	Michael L. O'Banion et al.	
	FILING DATE	GROUP
	February 17, 2004	

U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
62.		6,354,683	03/2002	Benbow		
63.		6,398,883	06/2002	Forrest et al.		
64.		6,705,147	03/2004	Berry, Robert A. et al.		

FOREIGN PATENT DOCUMENTS							
Ref. Desig.	Examiner's Initials	Document Number	Date	Country	Class/ Subclass	Translation Yes	No
1.		WO 03/001075	01/2003	US		X	
2.		DE 155 135 C	10/1904	Germany			X
3.		DE 31 47 430 A	06/1983	Germany			X
4.		DE 369 395 C	02/1923	Germany			X
5.		GB 608 373 A	09/1948	Great Britain			
6.		DE 308 681 C	10/1918	Germany			X
7.		FR 2 595 609	09/1987	France			X
8.		DE 199 34 998 A	02/2001	Germany			X
9.		WO 92 03664 A	03/1992	World			
10.		WO 01 38746 A	05/2001	World			
11.		WO 01 65125 A	09/2001	World		Abstract	
12.		JP 59 185529 A	10/1984	Japan		Abstract	
13.		GB 2306366 A	05/1997	GB			
14.		DE 2557845 A1	06/1977	DE			X

Examiner:	Date Considered:
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<b>FORM HDP-1449 (Based on Form PTO-1449)</b>  <b>PATENT AND TRADEMARK OFFICE</b> <b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)  Sheet 5 of 5	ATTORNEY DOCKET NO.	SERIAL No.
	0275Y-000625/COC	10/780,256
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	Michael L. O'Banion et al.	
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	February 17, 2004	

FOREIGN PATENT DOCUMENTS							
Ref. Desig.	Examiner's Initials	Document Number	Date	Country	Class/ Subclass	Translation Yes	No
15.		FR 2651283	08/1989	FR			X
16.		FR 2745863	03/1996	FR		Abstract	

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)		
Ref. Desig.	Examiner's Initials	
1.		International Search Report for PCT/US02/19536 mailed September 5, 2002
2.		International Search Report for PCT/US02/19626 mailed September 18, 2002
3.		International Search Report for PCT/US02/19627 mailed September 16, 2002
4.		International Search Report for PCT/US02/19727 mailed September 16, 2002
5.		International Search Report for PCT/US02/19757 mailed February 18, 2003
6.		International Search Report for PCT/US02/20063 mailed January 29, 2003

Examiner:	Date Considered:
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EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.